

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Erwin BAYER et al.

Serial No. : 10/568,394

Int'l. Filing Date : July 28, 2004

For : RUN-IN COATING FOR GAS TURBINES AND
METHOD FOR PRODUCING SAME

Examiner : To be assigned

Group Art Unit : To be assigned

Address to:
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

SIR:

Applicants hereby petition to have the erroneous holding of abandonment, as indicated in the Notice of Abandonment dated December 11, 2007, for the above-identified patent application withdrawn in view of the following.

A Notification of Missing Requirements, dated August 8, 2006, set a two-month response period, *i.e.*, October 10, 2006, October 8, 2006 being a Sunday and October 9, 2006 being a Federal Holiday. In response to the August 8, 2006 Notification of Missing Requirements, a Response dated October 10, 2006 addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, was mailed to the U.S. Patent and Trademark Office on October 10, 2006 by Express Mail. The Office was authorized to charge deposit account 11-0600 for all fees as appropriate and/or necessary, including the \$130 fee for late filing of the Declaration. The Response was signed by Applicants' Attorney on October 10, 2006. The Express Mail label was provided with a date-in date and postmark date of October 10, 2006 by the U.S. Postal Service. The return receipt post card was stamped with a date of October 10, 2006 by the Patent and Trademark Office Mail Room, and was received by the Applicants' Attorney.

To evidence the foregoing, copies of the Notice of Abandonment dated December 11, 2007, the August 8, 2006 Notification of Missing Requirements, the Response to Notification of Missing Requirements filed on October 10, 2006, the stamped Express Mail label evidencing that the Response was mailed on October 10, 2006 and the stamped return receipt postcard with a date of October 10, 2006 evidencing receipt by the Patent Office are attached hereto.

The Response and Declaration included an indication of Express Mail Label No. EV 320 246 448 US, which corresponds to the attached Express Mail label.

This petition is being promptly filed after receipt of the Notice of Abandonment. In addition, the Response to the Notification of Missing Requirements included an indication of the corresponding Express Mail label number. Moreover, the stamped return receipt postcard bears a receipt date of October 10, 2006, well within the two-month period for responding to the August 8, 2006 Notification of Missing Requirements. Therefore, it is respectfully submitted that a response to the Notification of Missing Requirements was filed timely, *i.e.*, on October 10, 2006, and that the holding of abandonment of this application was erroneous. Withdrawal of the holding of abandonment is therefore respectfully requested.

It is believed that no fee is necessary in connection with this Petition, but should any fee(s) be required, the Commissioner is authorized to charge any necessary fee(s) to Deposit Account No. 11-0600.

Respectfully submitted,

Date: January 7, 2008

By: /Clifford A. Ulrich/
Clifford A. Ulrich
Reg. No. 42,194
KENYON & KENYON LLP
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
CUSTOMER NO. 26646



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.				
10/568,394	Erwin Bayer	10537/319				
26646 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004		INTERNATIONAL APPLICATION NO. PCT/DE04/01683				
		<table border="1"><tr><td>I.A. FILING DATE</td><td>PRIORITY DATE</td></tr><tr><td>07/28/2004</td><td>08/12/2003</td></tr></table>	I.A. FILING DATE	PRIORITY DATE	07/28/2004	08/12/2003
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07/28/2004	08/12/2003					

CONFIRMATION NO. 3378
371 ABANDONMENT/TERMINATION
LETTER



Date Mailed: 12/11/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 08/08/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222